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NOTIFICATION.

No R. L. 1628-57, dated Bangalore 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Foreign Exchange Regulation (Application to Mysore) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

The Foreign Exchange Regulation (Application to Mysore) Bill.

WHEREAS it is expedient to apply to the territories of Mysore the provisions of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and the rules, orders, directions and notifications made or issued thereunder by the Government of India and by the Reserve Bank of India:

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Foreign Exchange Regulation (Application to Mysore) Act, 194 .

(2) It shall come into force at once.

Application to Mysore of Indian Act VII of 1947 and the rules, orders, directions and notifications thereunder.

2. The Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947) of the Indian Lgislature together with all rules, orders, directions and notifications made or issued thereunder by the Government of India or by the Reserve Bank of India shall, subject to any amendments to which the said Act rules, orders, directions and notifications are for the time being subject in the Provinces of India, apply *mutatis mutandis* to the territories of Mysore and the subjects and servants of His Highness the Maharaja in any part of India.

Modification in Act, rules, orders, directions and notifications applied by section 2.

3. References in the enactment, rules, orders directions and notifications applied to the territories of Mysore by section 2, to the Provinces of India shall be construed as references to Mysore State or as including a reference to Mysore State as the context may require.

Construction of Act, rules, orders, Directions and notifications applied by section 2.

4. Any court or other authority may construe the provisions of the enactment rules, orders, directions and notifications as applied to the territories of Mysore by section 2, with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the court or the authority.

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Statement of Objects and Reasons.

A system of exchange control was set up in India on the outbreak of war in September 1939 for the purpose of conserving and directing to the best uses the limited supplies of foreign exchange available. The control was made effective through certain rules made under the Defence of India Act, 1939, which relate, amongst other things, to exchange control, the obligation to surrender exchange proceeds of foreign exports and restrictions on the import of currency and gold. These rules expired on the 30th September 1946, but in order to continue the provisions contained in them the Government of India have enacted the Foreign Exchange Regulation Act, 1947, and issued necessary notifications thereunder. This Act contains a few additional provisions relating to custody of certain securities, control of business by foreign companies, etc.

The financial provisions of the Defence of India Rules, as applied to Mysore, which provided for these matters prior to the 30th September 1946, have been continued in Mysore under the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947).

The Government of India have requested this Government to enact legislation on the lines of the Foreign Exchange Regulation Act, 1947, or preferably, to adopt it *mutatis mutandis* in Mysore with all the notifications issued thereunder.

Since the Indian Act seeks to ensure that the foreign exchange resources of India are husbanded and utilised to the best advantage of the entire country, and as the requirements of this State will be given the same consideration and identical treatment as those of the Central Government and Provinces, it is considered necessary to apply the provisions of the Indian Act to Mysore.

This Bill has been accordingly brought forward. It proposes to apply *mutatis mutandis* the Indian Act, and all the notifications issued thereunder to Mysore, subject to the necessary consequential changes.

A copy of the Indian Act is appended.

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(*b*) "currency" includes all coins, currency notes, bank notes, postal notes, money orders, cheques, drafts, travellers' cheques letters of credit, bills of exhange and promissory notes;

(*c*) "foreign currency" means any currency other than Indian currency;

(*d*) "foreign exchange" means foreign currency and includes all deposits, credits and balances payable in any foreign currency, and any drafts, traveller's cheques, letters of credit and bills of exchange, expressed or drawn in Indian currency but payable in any foreign currency.

(*e*) "foreign security" means any security issued elsewhere than in India, and any security the principal of or interest on which is payable in any foreign currency or elsewhere than in India;

(*f*) "gold" includes gold in the form of coin, whether legal tender or not, or in the form of bullion or ingot, whether refined or not;

(*g*) "Indian currency" means currency which is expressed or drawn in Indian rupees;

(*h*) "owner in relation to any security, includes any person who has power to sell or transfer the security, or who has the custody thereof or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, and who has any interest therein, and in a case where any security is held on any trust or dividends, or interest thereon are paid into a trust fund, also includes any trustee or any person entitled to enforce the performance of the trust or to revoke or vary, with or without the consent of any other person, the trust or any terms thereof, or to control the investment of the trust moneys;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "Reserve Bank" means the Reserve Bank of India;

(*k*) "security" means shares, stocks, bonds, debentures, debenture stock and Government securities, as defined in the Indian Securities Act, 1920 (X of 1920), deposit receipts in respect of deposits of securities, and units or sub-units of unit trusts, but does not include bills of exchange or promissory notes other than Government promissory notes;

(*l*) "silver" means silver bullion or ingot, silver sheets and plates which have undergone no process of

manufacture subsequent to rolling and uncurrent silver coin which is not legal tender in India or elsewhere;

(*m*) "transfer" includes, in relation to any security, transfer by way of loan or security.

Authorised Dealers in Foreign Exchange.

3. (1) The Reserve Bank may on application made to it in this behalf, authorise any person to deal in foreign exchange.

(2) An authorisation under this section,—

(i) may authorise dealings in all foreign currencies or may be restricted to authorising dealings in specified foreign currencies only;

(ii) may authorise transactions of all descriptions in foreign currencies or may be restricted to authorising specified transactions only;

(iii) may be granted to be effective for a specified period, or within specified amounts, and may in all cases be revoked for reasons appearing to it sufficient by the Reserve Bank.

(3) An authorised dealer shall in all his dealings in foreign exchange comply with such general or special directions or instructions as the Reserve Bank may from time to time think fit to give, and, except with the previous permission of the Reserve Bank, an authorised dealer shall not engage in any transaction involving any foreign exchange which is not in conformity with the terms of his authorisation under this section.

(4) An authorised dealer shall, before under taking any transaction in foreign exchange on behalf of any person, require that person to make such declaration and to give such information as will reasonably satisfy him that the transaction will not involve, and is not designed for the purpose of any contravention or evasion of the provisions of this Act or of any rules, directions or orders made thereunder, and where the said person refuses to comply with any such requirement or makes only unsatisfactory compliance therewith, the authorised dealer shall refuse to undertake the transaction and shall, if he has reason to believe that any such contravention or evasion as aforesaid is contemplated by the person, report the matter to the Reserve Bank.

Restrictions on Dealing in Foreign Exchange.

4. (1) Except with the previous general or special permission of the Reserve Bank, no person other than an authorised dealer shall in the Provinces, and no person resident in the Provinces, other than an authorised dealer

shall outside the Provinces, buy or borrow from, or sell or lend to, or exchange with, any person not being an authorised dealer, any foreign exchange.

(2) Except with the previous general or special permission of the Reserve Bank, no person, whether an authorised dealer or otherwise, shall enter into any transaction which provides for the conversion of Indian currency into foreign currency or foreign currency into Indian currency at rates of exchange other than the rates for the time being authotised by the Reserve Bank.

(3) Where any foreign exchange is acquired by any person other than an authorised dealer for any particular purpose, or where any person has been permitted conditionally to acquire foreign exchange, the said person shall not use the foreign exchange so acquired otherwise than for that purpose or, as the case may be, fail to comply with any condition to which the permission granted to him is subject, and where any foreign exchange so acquired cannot be so used or, as the case may be, the conditions cannot be complied with, the said person shall without delay sell the foreign exchange to an authorised dealer.

(4) Nothing in this section shall be deemed to prevent a person from buying from any post office, in accordance with any law or rules made thereunder for the time being in force, any foreign exchange in the form of postal orders or money orders.

Restrictions on payments.

5. (1) Save as may be provided in and in accordance with any general or special exemption from the provisions of this sub-section which may be granted conditionally or unconditionally by the Reserve Bank, no person in, or resident in the Provinces shall—

(*a*) make any payment to or for the credit of any person resident outside India ;

(*b*) draw, issue or negotiate any bill of exchange or promissory note or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person resident outside India ;

(*c*) make any payment to or for the credit of any person by order or on behalf of any person resident outside India ;

(*d*) place any sum to the credit of any person esident outside India ;

(*e*) make any payment to or for the credit of any person as consideration for or in association with—

(i) the receipt by any person of a payment or the acquisition by any person of property outside India;

(ii) the creation or transfer in favour of any person of a right whether actual or contingent to receive a payment or acquire property outside India;

(*f*) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any pereon as consideration for or in association with any matter referred to in clause (*e*).

(2) Nothing in sub-section (1) shall render unlawful—

(*a*) the making of any payment already authorised, either with foreign exchange obtained from an authorised dealer under section 4 or with foreign exchange retained by a person in pursuance of an authorisation granted by the Reserve Bank;

(*b*) the making of any payment with foreign exchange received by way of salary or payment for services not arising from business in, or anything done while in, India.

(3) Nothing in this section shall restrict the doing by any person of anything within the scope of any authorisation or exemption granted under this Act.

(4) For the purposes of this section, "security" also includes coupons or warrants representing dividends or interest and life or endowment insurance policies.

Blocked accounts.

6. (1) Where an exemption from the provisions of section 5 is granted by the Reserve Bank in respect of payment of any sum to any person resident outside India and the exemption is made subject to the condition that the payment is made to a blocked account—

(*a*) the payment shall be made to a blocked account in the name of that person in such manner as the Reserve Bank may by general or special order direct; and

(*b*) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(2) No sum standing at the credit of a blocked account shall be drawn on except in accordance with any general or special permission which may be granted conditionally or otherwise by the Reserve Bank.

(3) In this section "blocked account" means an account opened as a blocked account at any office or branch in the Provinces of a bank authorised in this behalf by the Reserve Bank, or an account blocked, whether before or after the commencement of this Act, by the order of the Reserve Bank.

Special accounts

7. (1) Where in the opinion of the Central Government it is necessary or expedient to regulate payments due to persons resident in any territory, the Central Government may, by notification in the official Gazette, direct that such payments or any class of such payments shall be made only into an account (hereinafter referred to as a special account) to be maintained for the purpose by the Reserve Bank or an authorised dealer specially authorised by the Reserve Bank in this behalf.

(2) The credit of a sum to a special account shall, to the extent of the sum credited, be a good discharge to the person making the payment:

Provided that where the liability of the person making the payment is to make the payment in foreign currency, the extent of the discharge shall be ascertained by converting the amount paid into that currency at such rate of exchange as is for the time being fixed or authorised by the Reserve Bank.

(3) The sum standing to the credit of any special account shall from time to time be applied—

(a) where any agreement is entered into between the Central Government and the Government of the territory to which the aforesaid notification relates for the regulation of payments between persons resident in the Provinces and in that territory, in such manner as the Reserve Bank, having regard to the provisions of such agreement, may direct, or

(b) where no such agreement is entered into, for the purpose of paying wholly or partly and in such order of preference and at such times as the Central Government may direct, debts due from the persons resident in the said territory to persons resident in the Provinces or in such other territories as the Central Government may by order specify in this behalf.

Restrictions on Import and Export of certain Currency and Bullion.

8. (1) The Central Government may, by notification in the official Gazette, order that, subject to such exemptions, if any, as may be contained in the notification, no person shall, except with the general or special permission of the Reserve Bank and on payment of the fee, if any, prescribed bring or send into the Provinces any gold or silver or any currency notes or bank notes or coin whether Indian or foreign.

Explanation.—The bringing or sending into any port or place in British India of any such article as aforesaid intended to be taken out of British India without being removed from the ship or conveyance in which it is being carried shall nonetheless be deemed to be a bringing or as the case may be sending, into British India of that article for the purposes of this section.

(2) No person shall except with the general or special permission of the Reserve Bank or the written permission of a person authorised in this behalf by the Reserve Bank, take or send out of the Provinces any gold, jewellery or precious stones or Indian currency notes, bank notes or coin or foreign exchange other than foreign exchange obtained from an authorised dealer.

(3) The restrictions imposed by sub-sections (1) and (2) shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878) without prejudice to the provisions of section 23 of this Act, and all the provisions of that Act shall have effect accordingly.

Acquisition by Central Government of Foreign Exchange.

9. The Central Government may, by notification in the official Gazette, order every person in or resident in the Provinces,—

(*a*) who owns such foreign exchange as may be specified in the notification to offer it, or cause it to be offered for sale to the Reserve Bank on behalf of the Central Government or to such person, as the Reserve Bank may authorise for the purpose, at such price as the Central Government may fix, being a price which is in the opinion of the Central Government not less than the market rate of the foreign exchange when it is offered for sale;

(*b*) who is entitled to assign any right to receive such foreign exchange as may be specified in the notification, to transfer that right to the Reserve Bank on behalf of the Central Government on payment of such

consideration therefor as the Central Government may fix;

Provided that the Central Government may by the said notification or another order exempt any persons or class of persons from the operation of such order :

Provided further that nothing in this section shall apply to any foreign exchange acquired by a person from an authorised dealer and retained by him with the permission of the Reserve Bank for any purpose.

Duty of persons entitled to receive Foreign exchange, etc.

10. (1) No person who has a right to receive any foreign exchange or to receive from a person resident outside India a payment in rupees shall, except with the general or special permission of the Reserve Bank, do or refrain from doing any act with intent to secure—

(*a*) that the receipt by him of the whole or part of that foreign exchange or payment is delayed, or

(*b*) that the foreign exchange or payment ceases in whole or in part to be receivable by him.

(2) Where a person has failed to comply with the requirements of sub-section (1) in relation to any foreign exchange or payment in rupees, the Reserve Bank may give to him such directions as appear to be expedient for the purpose of securing the receipt of the foreign exchange or payment as the case may be.

Power to regulate the uses, etc., of imported Gold and Silver.

11. The Central Government may, by notification in the official Gazette, impose such conditions as it thinks necessary or expedient on the use or disposal of or dealings in gold and silver prior to, or at the time of, import into the Provinces.

Payment for Exported Goods.

12. (1) The Central Government may, by notification in the official Gazette, prohibit the export of any goods or class of goods specified in the notification from the Provinces directly or indirectly to any place so specified unless a declaration supported by such evidence as may be prescribed or so specified, is furnished by the exporter to the prescribed authority that the amount representing the full export value of the goods has been, or will within the prescribed period be paid in the prescribed manner.

(2) Where any export of goods has been made to which a notification under sub-section (1) applies, no person entitled to sell, or procure the sale of, the said goods shall, except with the permission of the Reserve

Bank, do or refrain from doing any act with intent to secure that—

(a) the sale of the goods is delayed to an extent which is unreasonable having regard to the ordinary course of trade, or

(b) payment for the goods is made otherwise than in the prescribed manner or does not represent the full amount payable by the foreign buyer in respect of the goods, subject to such deductions, if any as may be allowed by the Reserve Bank, or is delayed to such extent as aforesaid:

Provided that no proceedings in respect of any contravention of this sub-section shall be instituted unless the prescribed period has expired and payment for the goods representing the full amount as aforesaid has not been made in the prescribed manner.

(3) Where in relation to any such goods the said period has expired and the goods have not been sold and payment therefor, has not been made as aforesaid, the Reserve Bank may give to any person entitled to sell the goods or to procure the sale thereof, such directions as appear to it to be expedient for the purpose of securing the sale of the goods and payment therefor as aforesaid, and without prejudice to the generality of the foregoing provision, may direct that the goods shall be assigned to the Central Government or to a person specified in the directions.

(4) Where any goods are assigned in accordance with sub-section (3) the Central Government shall pay to the person assigning them such sum in consideration of the net sum recovered by or on behalf of the Central Government in respect of the goods as may be determined by the Central Government.

(5) Where in relation to any such goods the value as stated in the invoice is less than the amount which in the opinion of the Reserve Bank represents the full export value of those goods, the Reserve Bank may issue an order requiring the person holding the shipping documents to retain possession thereof until such time as the exporter of the goods has made arrangements for the Reserve Bank or a person authorised by the Reserve Bank to receive on behalf of the exporter payment in the prescribed manner of an amount which represents in the opinion of the Reserve Bank the full export value of the goods.

(6) For the purpose of ensuring compliance with the provisions of this section and any orders or directions made thereunder, the Reserve Bank may require any person making any export of goods to which a notification under sub-section (1) applies to exhibit contracts with his foreign buyer or other evidence to show that the full amount payable by the said buyer in respect of the goods has been, or will within the prescribed period be, paid in the prescribed manner.

Regulation of Export and transfer of Securities.

13. (1) No person shall, except with the general or special permission of the Reserve Bank,—

(a) take or send any security to any place outside India;

(*b*) transfer any security or create or transfer any interest in a security to or in favour of a person resident outside India;

(*c*) transfer any security from a register in the Provinces to a register outside India or do any act which is calculated to secure, or forms part of a series of acts which together are calculated to secure, the substitution for any security which is either in, or registered in, the Provinces of any security which is either outside or registered outside India;

(*d*) issue, whether in the Provinces or elsewhere, any security which is registered or to be registered in the Provinces, to a person resident outside India.

(2) Where the holder of a security is a nominee, neither he nor any person through whose agency the exercise of all or any of the holder's rights in respect of the security is controlled shall, except with the general or special permission of the Reserve Bank, do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions, unless both the persons previously instructing him and the person substituted for that person were, immediately before the substitution, resident in India.

(3) The Reserve Bank may, for the purpose of securing that the provisions of this section are not evaded, require that the person transferring any security and the person to whom such security is transferred shall subscribe to a declaration that the transferee is not resident outside India.

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(4) Notwithstanding anything contained in any other law, no person shall, except with the permission of the Reserve Bank,

(*a*) enter any transfer of securities in any register or book in which securities are registered or inscribed if he has any ground for suspecting that the transfer involves any contravention of the provisions of this section, or

(*b*) enter in any such register or book, in respect of any security, whether in connection with the issue or transfer of the security or otherwise an address outside India except by way of substitution for any such address in the same country or for the purpose of any transaction for which permission has been granted under this section with knowledge that it involves entry of the said address.

(5) For the purposes of this section,—

(*a*) "holder" in relation to a bearer security means the person having physical custody of the security; provided that, where a bearer security is deposited with any person in a locked or sealed receptacle from which the person with whom it is deposited is not entitled to remove it without the authority of some other person, that other person shall be deemed to be the holder of the security;

(*b*) "nominee" means a holder of any security (including a bearer security) or any coupon representing dividends or interest who, as respects the exercise of any rights in respect of the security or coupon, is not entitled to exercise those rights except in accordance with instructions given by some other person, and a person holding a security or coupon as a nominee shall be deemed to act as nominee for the person who is entitled to give instructions either directly or through the agency of one or more persons, as to the exercise by the holder of the security or coupon of any rights in respect thereof and is not, in so doing, himself under a duty to comply with instructions given by some other person;

(*c*) "security" also includes coupons or warrants representing dividends or interest, and life or endowment insurance policies.

Custody of Securities.

14. (1) The Central Government may, by notification in the official Gazette order every person by whom or on whose behalf a security or document of title to a security specified in the order is held in the Provinces to cause the said security or document of title to be kept in the custody of an authorised depository named in the order:

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Provided that the Reserve Bank may by order in writing permit any such security to be withdrawn from the custody of the authorised depository subject to such conditions as may be specified in the order.

(2) No authorised depository may part with any security covered by an order under sub-section (1) without the general or special permission of the Reserve Bank except to or to the order of, another authorised depository.

(3) Except with the general or special permission of the Reserve Bank, no authorised depository shall—

(*a*) accept or part with any security covered by an order under sub-section (1) whereby the security is transferred into the name of a person resident outside India, or

(*b*) do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions relating to such security unless the person previously so instructing him and the person substituted for that person were immediately before the substitution resident in India.

(4) Except with the general and special permission of the Reserve Bank, no person shall buy, sell or transfer any security, or document of title to a security, covered by an order under sub-section (1) unless such security or document of title has been deposited in accordance with the order.

(5) Except with the general or special permission of the Reserve Bank no capital moneys, interest or dividends in respect of any security covered by an order under sub-section (1) shall be paid in the provinces except to or to the order of the authorised depository having the custody of the security.

(6) For the purpose of this section,—

(*a*) "authorised depository" means a person notified by the Central Government to be entitled to accept the custody of securities and documents of title to securities, and

(*b*) "security" shall include coupons.

Restrictions on issue of Bearer Securities.

15. The Central Government may, by notification in the official Gazette, order that except with the general or special permission of the Reserve Bank no person shall in the Provinces issue any bearer security or coupon or so alter any document that it becomes a bearer security or coupon.

Acquisition by Central Government of Foreign Securities.

16. (1) Subject to any exemptions that may be contained in notification, the Central Government may, if it is of opinion that it is expedient so to do for the purpose of strengthening its foreign exchange position by notification in the official Gazette,—

(*a*) order the transfer to itself of any foreign securities specified in the notification at a price so specified, being a price which is, in the opinion of the Central Government not less than the market value of the securities on the date of the notification, or

(*b*) direct the owner of any foreign securities specified, in the notification to sell or procure the sale of the securities and thereafter to offer or cause to be offered the net foreign exchange proceeds of the sale to the Reserve Bank on behalf of the Central Government or to such person as the Reserve Bank may authorise for the purpose, at such price, the Central Government may fix, being a price which is in the opinion of the Central Government not less than the market rate of the foreign exchange when it is offered for sale.

(2) On the issue of a notification under clause (a) of sub-section (1),—

(*a*) the securities to the notification relates shall forthwith vest in the Central Government free from any mortgage, pledge or charge, and the Central Government may deal with them in such manner as it thinks fit;

(*b*) the owner of any of the securities to which the notification relates and any person who is responsible for keeping any registers or books in which any of those securities are registered or inscribed, or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Central Government or the Reserve Bank may order to be done, for the purpose of securing that—

(i) the securities and any documents of title relating there to are delivered to the Central Government and, in the case of registered or inscribed securities, that the securities are registered, or inscribed in the name of the Central Government or of such nominee of the Central Government as it may specify, and

(ii) any dividends or interest on those securities becoming payable on or after the date of the issue of the notification are paid to the

Central Government or its nominee as aforesaid and where in the case of any security payable to bearer which is delivered in pursuance of the said notification, any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Central Government thinks fit:

Provided that where the price specified in the notification in relation to any security is ex-dividend or ex-interest, this sub-clause shall not apply to that dividend or interest or to any coupon representing it.

(3) A certificate signed by any person authorised in this behalf by the Central Government that any specified securities are securities transferred to the Central Government under this section shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

Restriction on Settlement.

17. (1) No person resident in the Provinces shall, except with the general or special permission of the Reserve Bank, settle any property, otherwise than by will, upon any trust under which a person who at the time of the settlement is resident outside India, elsewhere than in territories notified in this behalf by the Reserve Bank, will have an interest in the property, or exercise, other than by will, any power for payment in favour of a person who at the time of the exercise of the power is resident outside India elsewhere than in such notified territories.

2) A settlement or power as aforesaid shall not be invalid except in so far as it confers any right or benefit on any person who at the time of the settlement or the exercise of the power is resident outside India, elsewhere than in territories notified by the Reserve Bank.

Certain Provisions as to Companies.

18. (1) Except with the general or special permission of the Reserve Bank, no person resident in British India shall do any act whereby a company, which is controlled by persons resident in India or the United Kingdom, ceases to be so controlled.

(2) Except with the general or special permission of the Reserve Bank, no person resident in British India shall lend any money either to any company (other than a banking company) which is controlled, whether directly or indirectly, by persons resident outside India elsewhere than in the United Kingdom or territories notified in this behalf by the Reserve Bank, or to any such person.

Power to call for Information.

19. (1) The Central Government may, at any time by notification in the official Gazette, direct owners, subject to such exceptions, if any, as may be specified in the notification, of such foreign exchange or foreign securities as may be so specified, to make a return thereof to the Reserve Bank within such period and giving such particulars, as may be so specified.

(2) The Central Government may by order in writing require any person to furnish it or any person specified in the order with any information, book or other document in his possession, being information, book or document which the Central Government considers it necessary or expedient to obtain and examine for the purposes of this Act.

(3) If on a representation in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank, a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of the provisions of this Act has been, or is being or is about to be committed in any place he may by warrant authorise any police officer not below the rank of sub-inspector—

(*a*) to enter and search any place in the manner specified in the warrant; and

(*b*) seize any books or other documents found in or on such place which should have been produced in compliance with a requisition issued under sub-section (2) or which the police officer has reason to believe to contain the information required to be furnished under that sub-section.

Explanation.—In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.

(4) The provisions of sub-sections (1), (2) and (3) of section 54 of the Indian Income-tax Act, 1922 (XI of 1922), shall apply in relation to information obtained under sub-section (2) of this section as they apply to the particulars referred to in that section, and for the purposes of such application—

(*a*) the said sub-section (3) shall be construed as if in clause (*a*) thereof there was included reference to a prosectuion for an offence under section 23 of this Act, and

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(*b*) persons to whom any information is required to be furnished under an order made under sub-section (2) of this section shall be deemed to be public servants within the meaning of that section. Supplemental Provisions.

20. (1) For the purposes of this Act and of any rules, directions or orders made thereunder :—

(*a*) until the Reserve Bank by general or special order otherwise directs, any person who has at any time after the commencement of this Act been resident in India shall be treated as still being resident in India and if such direction is given in relation to any such person the Reserve Bank may by the same or a subsequent direction, declare the territory in which he shall be treated as being resident ;

(*b*) in the case of any person to whom clause (*a*) does not apply the Reserve Bank may by general or special order declare the territory in which he shall be treated as being resident ;

(*c*) in the case of any person resident in the provinces who leaves India, the Reserve bank may give a direction to any Bank that until the direction is revoked, any sum from time to time standing to the credit of that person and any security held on his behalf at any office or branch of that Bank in the provinces specified in the direction, shall not be dealt with except with the permission of the Reserve Bank ;

(*d*) any transactions with a branch of any business, whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated ;

(*e*) the making of any book entry or other statement recording a debit against a branch of any business in favour of the head office or any other branch of that business shall be teated as the acknowledgment of a debt whereby a right is created in favour of a person resident where the head office or other branch is situated.

(2) Nothing in this Act relating to the payment of any price or sum by the Central Government shall be construed as requiring the Central Government to pay that price or sum otherwise than in Indian currency or otherwise than in India.

(3) The Reserve Bank may give directions in regard to the making of payments and the doing of other acts by bankers, authorised dealers, travel agents or stock brokers and other persons who are authorised by the Reserve

Bank to do anything in pursuance of this Act in the course of their business, as appear to it to be necessary or expedient for the purpose of securing compliance with the provisions of this Act and any rules, orders or directions made thereunder.

Contracts in Evasion of this Act.

21. (1) No person shall enter into any contract or agreement which would directly or indirectly evade or avoid in any way the operation of any provision of this Act or of any rule direction or order made thereunder.

(2) Any provision of, or having affect under this Act that a thing shall not be done without the permission of the Central Government or the Reserve Bank, shall not render invalid any agreement by any person to do that thing, if it is a term of the agreement that that thing shall not be done unless permission is granted by the Central Government or the Reserve Bank, as the case may be; and it shall be an implied term of every contract governed by the law of any part of the Provinces that anything agreed to be done by any term of that contract which is prohibited to be done by or under any of the provisions of this Act except with the permission of the Central Government or the Reserve Bank, shall not be done unless such permission is granted.

(3) Neither the provisions of this Act nor any term (whether expressed or implied) contained in any contract that anything for which the permission of the Central Government or the Reserve Bank is required by the said provisions shall not be done without that permission, shall prevent legal proceedings being brought in the provinces to recover any sum which, apart from the said provisions and any such term, would be due, whether as a debt, damages or otherwise, but—

(*a*) the said provisions shall apply to sums required to be paid by any judgment or order of any Court as they apply in relation to other sums; and

(*b*) no steps shall be taken for the purpose of enforcing any judgment or order for the payment of any sum to which the said provisions apply except as respects so much thereof as the Central Government or the Reserve Bank, as the case may be, may permit to be paid; and

(*c*) for the purpose of considering whether or not to grant such permission, the Central Government or the Reserve Bank, as the case may be, may require the

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person entitled to the benefit of the judgment or order and the debtor under the judgment or order, to produce such documents and to give such information as may be specified in the requirement.

(4) Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), neither the provisions of this Act or of any rule, direction or order made thereunder, nor any condition, whether express or to be implied having regard to those provisions, that any payment shall not be made without permission under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

False Statements.

22. No person shall, when complying with any order or direction under section 19 or when making any application or declaration to any authority or person for any purpose under this Act, give any information or make any statements which he knows or has reasonable cause to believe to be false, or not true, in any material particular.

Penalty and Procedure.

23. (1) Whoever contravenes any of the provisions of this Act or of any rule, direction or order made thereunder shall be punishable with imprisonment for a term which may extend to two years or with fine or with both, and any Court trying any such contravention may, if it thinks fit and in addition to any sentence which it may impose for such contravention, direct that any currency security, gold or silver, or goods or other property in respect of which the contravention has taken place shall be confiscated.

(2) No Court shall take cognisance of any offence punishable under this section or under section 54 of the Indian Income-tax Act, 1922 (XI of 1922), as applied by section 19 of this Act, except upon complaint in writing made by a person authorised in this behalf by the Central Government or the Reserve Bank:

Provided that where any such offence is the contravention of any of the provisions of this Act or any rule, direction or order made thereunder which prohibits the doing of an act without permission, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission.

(3) If the person committing an offence punishable under this section is a company or other body corporate, every director, manager, secretary, or other officer thereof

shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Burden of proof in certain cases.

24. Where any person is prosecuted for contravening any provision of this Act or of any rule, direction or order made thereunder which prohibits him from doing an act without permission, the burden of proving that he had the requisite permission shall be on him.

Power to Central Government to give direction.

25. For the purposes of this Act the Central Government may from time to time give to the Reserve Bank such general or special directions as it thinks fit, and the Reserve Bank shall, in the exercise of its functions under this Act comply with any such directions.

Bar of Legal Proceedings.

26. No suit, prosecution, or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act or any rule, direction or order made thereunder.

Power to make Rule.

27. (1) The Central Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe forms and the circumstances of their use for the purposes of this Act;

(*b*) prescribe the procedure to be followed by authorised dealers and by persons applying for permission to do anything for the doing of which permission is necessary under this Act;

(*c*) provide for any matter which is to be or may be prescribed under this Act.